

# HOUSE BILL REPORT

## SB 5501

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### As Passed House:

April 14, 2005

**Title:** An act relating to subjecting juvenile court services employment applicants to lie detector tests.

**Brief Description:** Authorizing use of lie detector tests on juvenile court services employment applicants.

**Sponsors:** By Senators Hargrove, Stevens, Delvin, Regala and Shin.

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/17/05, 3/24/05 [DP].

#### Floor Activity:

Passed House: 4/14/05, 92-2.

### Brief Summary of Bill

- Allows county juvenile court services agencies to require persons applying for employment to take lie detector and similar tests as a condition of employment.

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 6 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hudgins and McCoy.

**Staff:** Jill Reinmuth (786-7134).

### Background:

Employers are prohibited from requiring employees or prospective employees to take lie detector or similar tests as a condition of employment. There are exceptions to this prohibition for persons applying for employment with law enforcement agencies, persons applying for or continuing employment with drug manufacturers, distributors, and dispensers, and persons in sensitive positions directly involving national security.

Employers who unlawfully require lie detector or similar tests may be subject to civil and criminal liability. In a civil action, a prevailing employee or prospective employee may be awarded actual damages, a civil penalty of \$500, and reasonable attorneys' fees and costs. (A prevailing employer may be awarded reasonable attorneys' fees and expenses if the civil action

is frivolous and advanced without reasonable cause.) In a criminal action, an employer may be found guilty of a misdemeanor.

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**Summary of Bill:**

Employers continue to be prohibited from requiring employees or prospective employees to take lie detector or similar tests as a condition of employment. However, the exception to this prohibition for persons applying for employment with law enforcement agencies is extended to county juvenile court services agencies. Consequently, county juvenile court services agencies may require persons applying for employment to take lie detector and similar tests as a condition of employment.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill is requested by juvenile court administrators. Many juvenile court agencies have required prospective employees to take polygraph tests for years, believing that juvenile court agencies were considered law enforcement agencies. A county prosecutor suggested that the juvenile court agencies seek legislation to clarify the law. This bill will ensure that juvenile courts can continue using such tests.

The polygraph tests are used to screen out prospective employees who may use illegal drugs, engage in unlawful sexual behaviors, or have undisclosed criminal activity. It helps them uncover activity that would not show up otherwise.

**Testimony Against:** None.

**Persons Testifying:** Martha Harden-Cesar, Washington Association of Juvenile Court Administrators and Superior Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.